

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID RAY KING,

Defendant-Appellant.

UNPUBLISHED

April 14, 2011

No. 294757

Gratiot Circuit Court

LC No. 09-005741-FH

Before: O'CONNELL, P.J., and K. F. KELLY and RONAYNE KRAUSE, JJ.

PER CURIAM.

Defendant appeals as of right his conviction for filing a false or fraudulent financing statement, MCL 440.9501(6). Defendant was sentenced, as a fourth habitual offender, MCL 769.12, to three to ten years' imprisonment for his filing a false financing statement conviction. We affirm.

I. BASIC FACTS

This case concerns the filing of a financing statement claiming that a corrections officer, Michael Desco, improperly used defendant's copyrighted name in administrative paperwork and, as a result, owed defendant \$2 million. Desco supervised a housing unit where defendant resided. On three occasions in 2008, Desco confiscated from defendant documents related to running a business enterprise within the correctional facility because they were considered contraband. Desco wrote removal slips in April 2008 regarding the contraband and filled out a form regarding an administrative hearing, using defendant's name four times. At the time, Desco was aware that defendant claimed his name was copyrighted.

On July 16, 2008, defendant filed a financing statement with the Michigan Secretary of State's Uniform Commercial Code (UCC) Section claiming that Desco owed him \$2 million as a result of Desco's use of defendant's copyrighted name on four occasions. Defendant attached a purported security agreement between himself and Desco to the financing statement. The security agreement, which appeared to have been signed by Desco, professed to give defendant a security interest in Desco's personal property in return for the use of defendant's copyrighted name.

On July 22, 2008, Desco received certain documents including the financing statement and the security agreement from the Secretary of State, indicating that the documents had been

filed with the agency. Desco denied giving defendant a security interest in his personal property. He also never authorized defendant to type his name on the debtor's signature line of the security agreement. The Secretary of State advised Desco that he could file an amendment if he felt the financing statement was false or fraudulent and he should contact the police department. Desco filed an amendment twice in September or October 2008 and contacted the police department.

Defendant was convicted for filing a false financing statement. He now appeals.

II. VALIDITY OF MCL 440.9501(6)

Defendant argues that the law under which he was convicted, MCL 440.9501(6), is invalid. We disagree. Generally, questions of law are reviewed de novo on appeal. *People v Sierb*, 456 Mich 519, 522; 581 NW2d 219 (1998). However, review of this unpreserved issue is limited to whether the defendant can demonstrate a plain error which affected his or her substantial rights. *People v Layher*, 238 Mich App 573, 587; 607 NW2d 91 (1999).

For a bill to become law, the majority of the members of the house and the senate of the Michigan Legislature must vote in favor of it. Const 1963, Art 4, § 26. Under the Michigan Constitution, every bill passed by the Legislature must then be presented to the Governor before it becomes law, and the Governor has fourteen days during which to consider the bill. Const 1963, Art 4, § 33; *LeRoux v Secretary of State*, 465 Mich 594, 608-609; 640 NW2d 849 (2002). If the governor approves the bill, he must within 14 days sign the bill and file it with the Secretary of State, at which time it becomes law. *Id.* at 609. The laws governing the prosecution and punishment of criminals are set forth in statutes enacted by the Legislature, including the Penal Code and the Code of Criminal Procedure. *People v Cornell*, 466 Mich 335, 353; 646 NW2d 127 (2002). A duly enacted statute in force “regarding *any* subject or establishing *any* type of rule is valid as long as it does not contravene a provision of the Michigan Constitution or federal law.” *People v Cooper*, 236 Mich App 643, 663-664; 601 NW2d 409 (1999) (emphasis in original).

In this case, MCL 440.9501 was duly enacted in 1962 and became effective on January 1, 1964. 1962 PA 174. In 2000, MCL 440.9501 was rewritten to include MCL 440.9501(6), the provision that made it a crime to file a false financing statement and pursuant to which defendant was convicted. 2000 PA 348. The law was validly enacted, and defendant has not shown that the law contravenes the federal or Michigan constitutions.¹ As a result, MCL 440.9501(6) is a valid law.

¹ Defendant contends that he is being imprisoned for a debt under MCL 440.9105(6) in violation of Article 1, Section 21 of the Michigan Constitution. It is unclear what the debt is for which he is being imprisoned. As a result, his constitutional challenge to MCL 440.9105(6) has been abandoned. A defendant “may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims[.]” *People v Schumacher*, 276 Mich App 165, 178; 740 NW2d 534 (2007).

III. SUBJECT MATTER JURISDICTION

Defendant also contends that the trial court lacked subject matter jurisdiction over his charge. We again disagree. As noted above, questions of law are reviewed de novo on appeal. *Sierb*, 456 Mich at 522. We review this unpreserved claim for plain error affecting the defendant's substantial rights. *People v Kanaan*, 278 Mich App 594, 601-602; 751 NW2d 57 (2008).

If the felony information alleges that a crime has been committed, the trial court has subject matter jurisdiction over the trial. *People v Burton*, 252 Mich App 130, 134; 651 NW2d 143 (2002). Circuit courts are courts of general jurisdiction and have subject matter jurisdiction over felony cases. *People v Lown*, 488 Mich 242, 268: ___ NW2d ___ (2011). In this case, defendant was charged with a felony for filing a false financing statement. As a result, the trial court had subject matter jurisdiction.

IV. UNLAWFUL TAXATION

Defendant's final issue on appeal lacks clarity and is, therefore, abandoned. An appellant who fails to adequately brief an issue has abandoned it on appeal. *People v Martin*, 271 Mich App 280, 315; 721 NW2d 815 (2006). Moreover, "[a]n appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims," *People v Schumacher*, 276 Mich App 165, 178; 740 NW2d 534 (2007), "or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position[.]" *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). In this case, what defendant is arguing is difficult to understand and seems wholly unrelated to his conviction. Defendant appears to be making an argument regarding taxation but it is not evident how the taxation issue relates to his conviction. As a result, this issue has been abandoned.

Defendant does not challenge the sufficiency of the evidence supporting his conviction and provides little basis for us to review the proceedings of the trial. He was convicted under a valid law after a jury trial in a court with subject matter jurisdiction. Because we conclude there were no errors requiring reversal, we affirm.

Affirmed.

/s/ Peter D. O'Connell
/s/ Kirsten Frank Kelly
/s/ Amy Ronayne Krause